

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

The Tyree Organization, LTD.  
15973 Piuma Avenue  
Cerritos, California 90703

CAD 045 226 370

Respondent.

Docket HWCA 2007 1341

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and The Tyree Organization, LTD. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste.

1.3. Inspection. The Department inspected Respondent on August 30 and September 15, 2006.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Transporter Registration Number 3561.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violation alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to

this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violation alleged in Section 2 below.

## 2. VIOLATION ALLEGED

2.1. The Department alleges the following violation:

2.1.1. Respondent violated the Health and Safety Code section 25201, subdivisions (a), in that on many occasions, between on or about September 1, 2005 and September 1, 2006, Respondent stored hazardous waste in excess of the ten days allowed under the transfer facility exemption without a permit or other grant of authorization from the Department.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation set forth above. Respondent shall operate hereafter in a manner to prevent recurrences of the violation cited herein.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

## 4. OTHER PROVISIONS

4.1. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.2. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

## 5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$10,000 as a penalty. The payments shall be paid in four (4) installments of \$2,500. The installments of \$2,500 each are due and payable as follows: on May 1, 2007, August 1, 2007, November 1, 2007 and February 1, 2008. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by the Respondent no later than the due date of the next installment payment.

5.2. Respondent's checks shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Robert Kou, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

and

Ramon Perez, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
9174 Sky Park Court, Suite 150  
San Diego, California 92123

5.3. Respondent hereby agrees to send one of its employees to the California Compliance School, Modules I through IV. Attendance of each and every module must be completed and Respondent must submit a Certificate of Satisfactory Completion

issued by the California Compliance School to the Department within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$5,000 provided the employee satisfactorily completes the specified modules and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the Certificate of Satisfactory Completion as required, the penalty of \$5,000 becomes due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a Department Branch Chief upon written request from the Respondent demonstrating good cause.

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

## 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Date: May 9, 2007

Original signed by: David Sunshine, V.P.  
The Tyree Organization, LTD.  
Respondent

Date: June 4, 2007

Original signed by: Robert Kou  
Robert Kou, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control